

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 987/96

Timber Scaling Regulations
under the
[Forestry Act](#)
(O.C. 96-452)

Amended by:

[2001 c42 s45](#)
19/21
39/22

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Under the authority of [section 141](#) of the [Forestry Act](#) and the [Subordinate Legislation Revision and Consolidation Act](#), the Lieutenant Governor in Council makes the following regulations.

REGULATIONS

Short title

1. These regulations may be cited as the *Timber Scaling Regulations*.

168/93 s1

Definitions

2. In these regulations

- (a) "Act" means the [Forestry Act](#);
- (b) [Rep. by 39/22 s1]
- (c) "board foot" means board foot measure as determined by the Newfoundland and Labrador Log Rule;
- (d) "department" means the department presided over by the minister;
- (e) "green tonne" means 1000 kilograms of timber including water;
- (f) "manual" means the most recent Manual of Scaling Instructions as approved by the chief

scaler;

- (g) "minister" means the minister appointed under the [Executive Council Act](#) to administer this Act;
- (h) "oven dry tonne" means 1000 kilograms of timber excluding water that is not hygroscopically bonded; and
- (i) "studwood" means trees manufactured into stud lumber up to 3 metres in length.

168/93 s2; [2001 c42 s45](#); 19/21 s1; 39/22 s1

All timber to be scaled

3. (1) All timber cut for commercial purposes on forest land in the province shall be scaled by a timber scaler before being manufactured.

(2) All timber cut on Crown land or public land upon which a royalty is due and payable to the Crown shall be scaled by a timber scaler before being manufactured.

(3) An individual who manufactures timber that is required to be scaled before it is scaled is guilty of an offence and is liable upon summary conviction to a fine of not less than the value of the timber manufactured.

168/93 s3

Certification required

4. A person shall not scale timber for the purpose of the Act and the regulations without having first been certified to do so by the chief scaler and obtained a certificate to that effect.

168/93 s4; 39/22 s2

Methods of scaling

5. (1) The methods used in the scaling of timber shall be those specified in the manual.

(2) Changes may be made to the manual with the approval of the chief scaler.

168/93 s5; 39/22 s3

Duty of timber scaler

6. It shall be the duty of every timber scaler to measure fairly and correctly to the best of the timber scaler's ability all timber that the timber scaler is asked to measure in accordance with the procedures outlined in the manual.

168/93 s6; 39/22 s4

Manner of certification

7. (1) The chief scaler may certify a timber scaler to scale timber measured

- (a) collectively;
- (b) as individual units;

(c) by mass; or

(d) by these categories, in combination.

(2) The chief scaler may further restrict scaler certification to reflect specific limitations as to the types of timber that may be scaled and the purpose for which timber may be scaled.

(3) Every certificate shall be in the form prescribed by the chief scaler and shall specify the class and type of timber within the class that the holder is authorized to scale.

168/93 s7; 39/22 s5

Administration of examinations

8. All examinations toward the requirements for a scaler's certificate shall be administered by the chief scaler.

168/93 s8

Application for examination

9. A candidate for examination must make written application to the chief scaler providing the information that may be required by the chief scaler.

168/93 s9; 39/22 s6

Responsibilities of timber scaler

10. It is the responsibility of a timber scaler to

- (a) scale only those types of timber endorsed on the scaler's certificate;
- (b) make all necessary deductions to allow for defects as prescribed in the manual;
- (c) become familiar with any new techniques or measurement units that may have been developed since the scaler was licensed;
- (d) know the conditions and specifications of sale or purchase for any timber the scaler is required to scale;
- (e) know how to identify the commercially valuable tree species in log or bolt form common to the area;
- (f) ensure that all scaling instruments and measuring tapes being used are properly calibrated and in good repair and of a type approved by the Newfoundland and Labrador Forest Service;
- (g) supervise, instruct and counsel an assistant under the scaler's supervision;
- (h) be responsible for work done by an assistant under the scaler's supervision;
- (i) successfully complete a required refresher course to retain scaling privileges;
- (j) keep those records and submit monthly returns as directed by the minister or a forestry official and make records and returns available upon request; and
- (k) accurately check the work of other scalers when requested to do so.

[168/93 s10](#); [2001 c42 s45](#)

Oath or affirmation required

11. Before receiving a timber scaler's certificate, a candidate must complete an oath or an affirmation as prescribed by the chief scaler.

[168/93 s11](#); [39/22 s7](#)

Rep. by 19/21 s2

12. [Rep. by 19/21 s2]

[19/21 s2](#)

Fees

13. Fees for scaler's examinations and certificate renewal shall be as required by the minister.

[168/93 s13](#); [19/21 s3](#)

Cancellation of certificate

14. Failure to perform duties or to scale timber in accordance with the manual, the regulations or the Act may result in cancellation of a scaler's certificate by the chief scaler.

[168/93 s14](#); [39/22 s8](#)

Renewal of certificate

15. (1) The chief scaler shall renew a scaler's certificate where the scaler provides proof satisfactory to the chief scaler that the scaler has scaled primary forest products in the 5 year period before expiry of the certificate.

(2) Where a scaler has not satisfied the requirement in subsection (1), the chief scaler shall refuse to renew the certificate until the scaler has completed a scaling course as approved by the chief scaler.

[168/93 s15](#); [19/21 s4](#); [39/22 s9](#)

Monthly returns

16. A timber scaler shall make monthly returns to the Newfoundland and Labrador Forest Service in the form and containing the information that the minister prescribes and failure to do so may lead to suspension or cancellation of a scaler's licence.

[168/93 s16](#); [2001 c42 s45](#)

Non-interference with scaler

17. A person shall not hinder, obstruct or interfere with a timber scaler in the discharge of the timber scaler's duties.

[168/93 s17](#); [39/22 s10](#)

Measurements checked

18. (1) A timber scaler in the employ of the Newfoundland and Labrador Forest Service may check another scaler's measurements and procedures without interference.

(2) Results of the original scale and the check scale must be presented to the chief scaler.

168/93 s18; [2001 c42 s45](#)

Payment for scaling

19. When timber is scaled for the purpose of payment, the following units of measure apply:

Timber	Unit of Measure
Pulpwood	Cubic metre (stacked), cubic metre (solid) or green tonnes
Studwood	Cubic metre (stacked), cubic metre (solid) or green tonnes
Fuelwood	Cubic metre (stacked), cubic metre (solid) or green tonnes
Sawlogs	Board foot, cubic metre (solid) or green tonnes
Construction timber	Cubic metre (solid) or green tonnes
Tree length	Cubic metre (solid) or green tonnes
Pulp chips	Green tonnes or oven dry tonnes
Biomass (fuel chips)	Green tonnes or oven dry tonnes

168/93 s19; 19/21 s5

Other measurement

20. The use of indirect measurements and/or conversion factors in the scaling of timber are not permitted except where procedures for verification and use have been approved by the chief scaler.

168/93 s20; 39/22 s11

Location of scaling

21. Timber shall be scaled in the immediate harvest area unless otherwise determined by a forestry official.

168/93 s21

Removal of timber

22. Where a logger is paid on the basis of scaled volume, timber may not be removed from the immediate harvesting area until it has been scaled or written permission for another scaling location is given by the logger.

Statement re timber

23. Where a logger requests, a timber scaler shall provide the logger with a signed statement concerning all timber that the scaler has measured for the purpose of payment to the logger and it shall contain

- (a) pile numbers;
- (b) pile measurements;
- (c) the volume deducted for defects; and
- (d) gross and net scale.

Offence

24. Contravention of these regulations is an offence punishable in accordance with [sections 139](#) and [140](#) of the [Act](#).

Repeal

25. The Timber Scaling Regulations, Newfoundland Regulation 168/93, are repealed.